



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 19, 2020

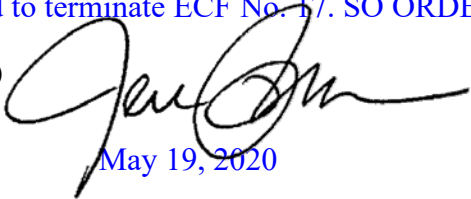
BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Application GRANTED. Unless and until the Court orders otherwise, the parties shall appear for a change-of-plea hearing on August 3, 2020, at 3:00 p.m. The Court excludes time under the Speedy Trial Act between today and August 3, 2020, finding that the interests in excluding that time outweigh the interests of the Defendant and the public in a speedy trial given the need for the Defendant to confer with counsel with respect to whether and how to change his plea in view of the COVID-19 situation. The Clerk of Court is directed to terminate ECF No. 17. SO ORDERED.

Re: *United States v. Robert Berry*, 20 Cr. 72 (JMF)

Dear Judge Furman:



May 19, 2020

A status conference in the above-captioned matter is scheduled for June 1, 2020, at 3:30 p.m. The parties have reached an agreement in principle for pretrial disposition. As the Court noted in its recent order, an in person change-of-plea conference is not possible at this time in light of the COVID-19 pandemic. In addition, the defendant remains released on bail. The parties respectfully request that the Court adjourn the conference for approximately 60 days to allow the parties to complete negotiations regarding possible pretrial disposition, and for the parties and the Court to evaluate the circumstances surrounding the COVID-19 pandemic as they develop to consider the best manner of proceeding.

In the event that the Court grants the requested adjournment, the Government respectfully requests that the Court exclude time under the Speedy Trial Act, from June 1, 2020 to the date that the conference is rescheduled to permit the parties to complete negotiations regarding possible pretrial disposition. The Government submits that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

I have communicated with defense counsel, who has consented to the above requests.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: 
Brett M. Kalikow
Assistant United States Attorney
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cc: Tamara Giwa, Esq. (via ECF)